



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA 5 Records Ctr.



349258

REPLY TO THE ATTENTION OF:

NOV 24 2009

Bautsch-Gray Mine Site

FEDERAL EXPRESS

Vincent Varsek Trust
c/o Joan Pecina
2348 North Lewis
Waukegan, IL 60087

RE: Bautsch-Gray Mine Site
Galena, Jo Daviess County, Illinois
Confirmation of General Notice of Liability

Dear Ms. Pecina:

On November 24, 2009, an oral statement comprising the essentials of the following information was made to you [over the telephone] by On-Scene Coordinator Len Zintak, Associate Regional Counsel Thomas Turner, Enforcement Specialist Carol Ropski and Civil Investigator Joseph Kaweck:

"The U.S. Environmental Protection Agency has determined that the release or threat of release of hazardous substances, pollutants or contaminants into the environment originating from the tailings pile of the closed Bautsch-Gray Mine Site on South Blackjack Road, Jo Daviess County, Illinois has and continues to occur. The release of hazardous substances, pollutants or contaminants may present an imminent and substantial endangerment to the public health or welfare or to the environment.

U.S. EPA plans to take the following actions at 746 S. Blackjack Road to address the release or threat of release of hazardous substances, pollutants or contaminants, including lead, at the Site:

1. Install a whole house water filter to remove lead from the residential well water. The lead contamination in the water must be reduced to a concentration below 15 micrograms per liter.
2. Install temporary fencing on the property to restrict access to areas of surface soil contamination greater than 1200 parts per million (ppm). Appropriate warning signage must be posted on the temporary fencing.

3. Immediately cease any and all removal or allowed removal, or allowed access by non-regulatory agency parties, from the original tailings pile comprising the part of the Site on your property.

These actions are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended. Under CERCLA, and other laws, responsible parties may be liable for all costs the Government incurs in taking response action at the Site, including investigation, planning, cleanup and enforcement costs.

U.S. EPA believes you are a potentially responsible party (or "PRP") at the Site because you owned or operated the Site at the time of disposal or release of hazardous substances at the Site. Before the Government takes the necessary response actions at the Site, it is offering you the opportunity to voluntarily perform or fund the work required to abate the release or threat of release from the Site. Under Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can demonstrate their ability to do the work promptly and properly.

Because of the conditions described earlier, U.S. EPA believes that response activities at the Site must begin as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

U.S. EPA intends, at the direction of its On-Scene Coordinator, to begin the above actions in December, 2009. You must notify U.S. EPA by December 1, 2009 if you wish to perform or fund all of the above actions, or U.S. EPA will begin to take the necessary action at the Site. Please contact Thomas Turner, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 886-6613, fax number (312) 692-2961, to provide notice or if you have any questions.

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review. Do you have any questions regarding what I have just said?"

This letter is to confirm and reiterate the above oral notice made to you by telephone. If you are a qualified small business, enclosed is a U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action. If you have any questions concerning this matter, please contact:

Thomas Turner
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA, C-14J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

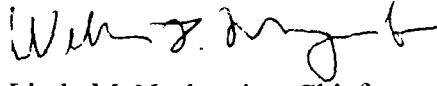
or

Len Zintak
On-Scene Coordinator
Response Section 2
U.S. EPA, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

(312) 886-6613

(312) 886-4246

Sincerely,

A handwritten signature in black ink, appearing to read 'Linda M. Nachowicz', with a stylized flourish at the end.

Linda M. Nachowicz, Chief
Emergency Response Branch #2

Enclosure

LIST OF PRPs RECEIVING LETTER CONFIRMING GENERAL NOTICE

Vincent Varsek Trust
c/o Joan Pecina
2348 North Lewis
Waukegan, IL 60087

Thomas Wienan, President
Chains and Links, Inc.
144 Stone Quarry Lane
Galena, IL 61036

Lois Knautz
c/o Galena State Bank
400 South Main Street
Galena, IL 61036

bcc: Tom Turner, ORC (C-14J)
Len Zintak, (SE-5J)
John Maritote, EESS (SE-5J)
Carol Ropski, EESS (SE-5J)
John Kelley, Public Affairs (P-19J)

Michael T. Chezik
Regional Environmental Officer
Office of Environmental Policy and Compliance
Philadelphia Region
Custom House, Room 244
200 Chestnut Street
Philadelphia, PA 19106

Pat Thompson, PAAS (MF-10J)
Records Center (SMR-7J)